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November 27, 2023

Via ECF

Honorable Jessica G. L. Clarke
United States District Court
Southern District of New York
500 Pearl St # 1030,
New York, NY 10007

MEMO ENDORSED

Re: Lucas Nereo, Armando Izalde and Daniel Montachana v. Shleppers Holdings, LLC d/b/a Shleppers Moving & Storage, Universal Moving LLC and Ernesto Del Valle, Individually
Case No: 22 – CV – 9505(JGK)
Our File No: 7148-1

Dear Judge Clarke:

Dear Judge Clarke:

In response to your directive filed Wednesday November 22, 2023, and responding to Plaintiff's letter, we submit the following on behalf of the Defendant Shleppers Holdings LLC. Because of a medical condition with one of his business partners, Mr Raz Itzhaki has been generally unavailable for his continued deposition. He can be available either December 8 or December 15, if either day is acceptable to Plaintiff's counsel. I apologize to the Court but these issues arose after Mr. Itzhaki had originally appeared, and created the difficulty with his availability. These issues were not foreseen when the parties most recently requested an extension of the discovery deadlines in this matter.

With respect to Plaintiff's discovery demands, rather than respond piecemeal, the defendants have been working diligently to gather the necessary information. One particular demand seeks essentially all electronic data (emails) between the Defendant Shleppers and the Plaintiffs' employer. That is a vast amount of material that has not been easily collected. I expect to have all of the information available to respond to Plaintiff's request by this Friday, with the potential that it may take a few more days to complete gathering the email communications requested. I understand that the deposition transcripts have been forwarded of the Plaintiff's depositions, and as a ministerial matter, does not require the Court's intervention.

If the dates offered for the completion of Mr. Itzhaki's deposition are not acceptable to Plaintiff's counsel, we will work on other dates that are mutually available. I thank the Court for its patience and attention in this regard, and respectfully submit that while unexpected issues arise affecting one's

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September 5, 2023
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immediate availability, the defendant never represented that is was not going to appear for the completion of the deposition or respond to the demands as appropriate.

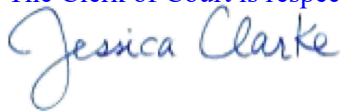
Respectfully submitted,
Edward Fogarty, Jr.
Edward Fogarty, Jr.

EF

Defendant Shleppers Holdings, LLC shall produce all applicable emails, as referenced in the endorsed letter, no later than **December 8, 2023**. The parties shall continue conferring regarding a mutually agreeable date for the continued 30(b)(6) deposition, which shall occur by **December 22, 2023** at the latest.

The deadline for the completion of fact discovery, *see* ECF No 59 at 8(a), is hereby EXTENDED to **January 10, 2024**. The deadline for the post-discovery joint status letter pursuant to Individual Rule 3(d) is hereby ADJOURNED to **January 17, 2024**. The case management conference scheduled for December 14, 2023 is hereby ADJOURNED to **January 24, 2024 at 2:00 p.m.** via Microsoft Teams.

The Clerk of Court is respectfully directed to terminate ECF No. 60. SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: November 28, 2023
New York, New York